HAYDEN IN THE TOILS.

Mary Stannard's Half-Sister Severely Cross-Examined.

SHE WEEPS IN COURT.

Why She Has No Love for the Prisoner at the Bar.

REFUSES TO WRITE IN PUBLIC.

HEW HAVEN, Conn., Dec. 3, 1879. Susan Hawley, the half-sister and confidant of the murdered girl Mary Stannard, was on the witness stand nearly all day in the Hayden trial. Although not naturally a young woman of much spirit or selfpossession she made a remarkably good showing under the rigid cross-examination to which she was subjected. In one instance, however, she gave way to tears under her excitement. An important admission was that she was now unfriendly to Hayden, but in explanation of this one of the State's counsel remarked this evening, "What else could you expect when she confidently believes Hayden to the murderer of her sister?" An earnest effort was made to throw doubt upon the authenticity of the letter which Mary Stannard wrote to the witness osing one for the accused clergyman. The defence has a theory that Susan may have prepared the letter herseif, and to test this requested a sample of her writing. This she refused in court, under a ruling of the judges that it was optional with her to write or not; but it was finally offered by the State io put her to the test out of court. Pursuing further inquiries as to this letter the witness admitted that at the preliminary trial she may have said that when she received it sho knew at once that it was from Mary. The fact is that the address is not in Mary's writing, and the State claims that her knowledge of the origin of the letter is easily explained—that is, it was received after Mary's return home and after Mary had told her that it had been sent. SUSAN HAWLEY CROSS-EXAMINED.

Susan Hawley, recalled for cross-examination, testifled that she passed last night at a New Haven boarding house, where several other witnesses in the case were lodged, but had not conversed with She said that she first saw her testimony reduced to writing about a month ago, in the office of the counel for the State. It was read over to her, and, being asked whether she could testify to the several facts recited, she replied in the affirmative. Last week a part was read over to her, several persons, witnesses in the case, being present. "You needn't mention" the lawyers for the State," suggested Mr. Watrous, whereupon Mr. Waller quickly rejoined, "Oh, yes, you may if you choose, Susan. We don't care anything about it." The names were not given. Witness continued:—Mr. Hayden came to Rockland in 1876, from Rocky Hill, Conn.; Mary's child was

Q. Have you ever said that Hayden was the father

Mr. Waller objected that, while the defence could show that the witness might have hostile feelings toward Hayden, they had no right to inquire into the details. The Court ruled that if the witness denied any unkind feelings toward him it would lay the foundation for inquiries.

Q. Have you any friendly feeling for Mr. Hayden

now? A. No, sir; I have not.

Q. Have you malicious feelings toward him? Ob-

jected to, and the Court ruled that the previous addission of unkindness covered the ground.

Continuing, witness said that she worked out

until the birth of Mary's first illegitimate child in 1876 and very little afterward until she went to old Benjamin Stevens' house recently; after his mother's death witness remained there a short time; most of the time she had looked after Mary's child when the mother was not permitted to take it with

QUEER FREAK OF HAYDEN'S COUNSEL.

At this point Mr. Watrous called for the letter of Mary Stannard to witness. Then he took a sheet of paper and pencil, and stepping to the witness stand said, "Now, Susan, I wish to see some of your writing," The witness quickly replied that she did not like to write before everybody, and counsel for the State interposed an objection that this was not a proper mode of examination. The Court remarked that the witness could not be compelled to write, and

proper mode of examination. The Court remarked that the witness could not be compelled to write, and Mr. Waller then said that the prosecution had no objection to the defence having a specimen of the witness writing, and would take pains to have the witness write whatever they wished, but out of court. "Yes, at some of your conference meetings," exclaimed Mr. Watrous.

"At a meeting, Mr. Watrous, where you may be present. And she may write anything you wish. You have made several insinuations about conference meetings with the State's witnesses. Of course we have held them to ascertain what their testimony is, and of course you do the same with the witnesses for the defence. You would be dereiled in your duty if you did not."

If you did not."

Mr. Watrous continuing to press the witness to write, and it being entirely optional with her, Mr. Waller advised her to refuse. She answered Mr. Watrous, "I will not; I had rather not, for my hand beautiles here."

Watrous, "I will not; I had rather not, for my hand frembles here."

The matter was then dropped for the time being. The object of the defence was to determine the truth of a theory that the letter or parts of it may have been written by witness herself instead of her sister, and for a purpose.

The witness then testified that old Benjamin Stevens was a frequent visitor at the house of the witness, and was there on the day of the murder. An inquiry as to where he usually slept in the house was objected to, and Mr. Jones, for the defence, claimed that he had a right to ascertain the relations of the witness to ward this old man, Stevens, because of its bearing upon her credibility as a witness against Hayden. The defence wanted to get at a motive for the murder some way, and as Stevens, who is needed, is dangerously ill, may never be here, the defence should be permitted to obtain all that can be had from the witness.

Chief Justice Park.—This is hardly a fit matter for cross-examination.

Mr. Waller said that the State expected to get

who is needed, is dangerously ill, may never be here, the defence should be permitted to obtain all that can be had from the winess.

Chief Justice Paris.—This is hardly a fit matter for cross-examination.

Mr. Waller said that the State expected to call Stevens, and if not his deposition could, under the law, be taken, not by the State, but by the defence. Mr. Jones remarked that the defence would give the State the right to take it, and the matter was left to be arranged out of court.

The matter of the oyster supper at night from which Hayden is sligged to have sinped away to his own house to meet Mary Stannard was next inquired into, and witness admitted that she did not know for a certainty that Mary was at Hayden's house that night; she only knew that she was employed there, and was in all probability there that might caring for the children in the absence of Mr. and Mrs. Hayden. Describing Hayden's visits to the Stannard house, witness said that in July before the murder he came there and wanted to borrow money from Mary; a few days lafor he called again on what she believed was a similar mission, and on the 10th of August called to get Mary to go to bis house to work.

The return home of Mary from the Studleys, in Guilford, after her discharge because of her supposed pregnancy, was described, and witness denied that in going to the Studleys a month previous Mary had done so in violation of a contract to work at another place secured for her by old Mr. Stevens. The condition of Mary when she returned home two days before the murder was described, she having stated it to the witness. The defence cross-examined signly on this point, and witness admitted that Mary was in such condition when she returned on this Sunday, two days before the murder. The aim was to show that this seconted for the presence in her pocket of the peculiar towel found there after her days in such condition when she returned on this Sunday, two days before the murder. The aim was to sheet in a discrete the days and the could dear the

by the handwriting on the envelope it was a mistake.

Q. Did you not state at Madison that it was her writing?

Mr. Waller—We object. The defence are trying to contradict the witness by bringing up a statement in the Court below, when she has made no declaration about this matter at all in this trial. She hasn't been asked anything here about that writing.

The question was abandoned, and Mr. Watrous then handed the envelope and inquired whose writing the address was in?

The prosecution objected, but the Court ruled the inquiry might be made.

Q. Whose is that handwriting? A. It is a man's; it is not my sister's; if I said it was I was mistaken.

Q. Did you not say that when you received it you knew from the envelope that the letter was from your sister? A. I may have said so, but I was mistaken.

Property Owners Generally Opposed to

your sister? A. I may have said so, but I was mistaken.

At the afternoon session Miss Hawley's recall was temporarily delayed to admit the testimony of Dr. Leonard Bailey, of Middletown, who talked with Hayden in that place on the morning of the murder. The claim of the State was that he consulted him about female complaints and peculiar conditions of pregnancy. At the preliminary trial witness admitted a conversation regarding Mrs. Hayden's condition. Dr. Beiley testified that he had known Hayden six years, and met him in Middletown at ten A. M. of the day of the homicide; the conversation was about five minutes in length. On cross-examination he said he had attended Hayden's family in Rockland; on the occasion of the Middletown conference witness saw Hayden crossing the street and stopped him.

Mr. Waller (redirect)—At what college did you graduate? A. The Philadelphia Medical College.

Q. Had you ever attended Hayden's wife as a physician?

"What's the object of that?" demanded Mr. Jones.

what's the object of that?" demanded Mr. Jones.
Mr. Waller—Well, some men may never have seen
any more of a college than the outside.
The question was ruled out, and witness next
stated that his conversation with Hayden was unimportant. Mr. Waller next inquired whether the witness had not taken a great deal of interest in this
case, and, the question being objected to, he claimed
that as Dr. Bailey was an adverse witness he had a
right to show his bias. Nothing further regarding
the conversation or possible bias was elicited, but it
is rumored that this important matter will not be
dropped here.

right to show his bias. Nothing further regarding the conversation or possible bias was elicited, but it is rumored that this important matter will not be dropped here.

Susan Hawley was then recalled, and admitted conversing during the noon recess with one or two of the female witnesses in the case, but the information was drawn from her with much trouble. When questioned why she had withheld, when first asked, the name of one of the ladies, she replied, sharply:—"I didn't tell it, as I thought I could breathe outside the court room." (Laughter.)

Mr. Waller—What's the purpose of this, Mr. Watrous? Can't witnesses talk outside the court room without violating their oaths?

Mr. Watrous—What's to hinder finding out what is desired?

The lotter was again taken up, and witness' attention was called to her mistake at the Madison preliminary trial in saying that the address was in Mary's writing. She testified that Deputy Sheriff Hull called her attention to it shortly after the trial, and that since she had seen the entire letter at that trial [letter placed before her] there appeared to have been no change.

Q. Hasn't something been written over that name that looks like Hayden?

WAS THE LETTER DOCTORED?

The State objected to examining this witness as an expert, and the letter, with a small magnifying glass, was passed to the jury for inspection. The defence claims that the writer may never have intended to write the word "Hayden." One theory was that it was originally written "Hayley." and in the early part of the trial an unsuccessful effort was made to get an admission from Androw Hayley." and in the early part of the trial an unsuccessful effort was made to get an admission from Androw Hayley." and in the had sometimes been known as "Hayley" or "Hazen."

The witness then went over the doings of Mary translates the produce the standard of the standard o

"Hazen."

The witness then went over the doings of Mary Stannard on the Sunday of her arrival home, and her visits to Hayden's the following morning.

At this point Horace B. Perry, a juror who resides here, was observed with his overcoat collar drawn up around his neck, although the temperature in the court room was oppressive. An inquiry elicited the first known instance of the iliness of any one of the twelve jurors, although the trial has been in progress two months. Dr. Jewett, one of the States' experis, attended Mr. Perry. After a recess of half an hour the jurors reappeared, Mr. Perry's head bound with a handkerchief.

Susan Hawley, resuming, said that on the afternoon of the day preceding the murder, when Mary went to Hayden's and got the rake, she was gone much longur than necessary. [It was on this occasion that she is alleged to have had a conference with Hayden.] Witness was interrogated at great length as to why she had not testified at Madison as on this trial, that Mary had, in addition to getting the rake, the purpose of conversing with Hayden about her troubles. She said that she was not given an opportunity at this first trial to tell all she knew, the lawyers having checked her.

SUSAN IN TEARS.

Being sharply questioned on this point nervous excitement finally caused the witness to burst into tears, and for several minutes she gave utterance to convulsive sobe, which resounded through the court room. A glass of water and a few quicting words from Mr. Waller eventually quieted her. Meantime the jurors bent upon her sympathizing glances, and there was considerable excitement among the spectators of her own sex.

Resuming, Miss Hawley related Mary's movements on the morning of the murder. Old Ben Stevens came to the house early and threw himself on a bed to rest.

Stevens came to the house early and throw himself on a bed to rest.

Was he in the habit of throwing himself on the bed when he visited?
Objected to, and ruled out.
Continuing, witness said that Hayden stopped at her house about elevan o'clock, and when he entered the kitchen with her father the usual courtesies were exchanged. A sketch of the ground floor of the Stannard house being pencilled by Mr. Watrous, witness designated her position when she first saw Hayden, and testified that when the carriage drove up her

den, and testified that when the carriage drove up her father was at the side of the house opposite from which the clercyman approached. This corroborated previous testimony that Hayden had time for a private talk with Mary in front of the house before others of the family saw him.

The Court adjourned at this point until nine o'clock to-morrow morning, when the cross-examination will be resumed. It is understood that after the conclusion of her testimony the State will occupy but a day or two longer with the testimony in chief.

ANOTHER HAYDEN IN TROUBLE.

ALLEGED POISONING OF A SISTER TO SECURE A SMALL SUM OF MONEY-THE TRIAL AT WOR-CESTER. MASS.

Upon the reassembling at Worcester yesterday of the court engaged in the trial of Francis E. Haydez, of Fitchburg, for the murder of his sister, Sarah E. Hayden, by poisoning, the motion of Mr. Verry to quash the second and third counts in the indictment was allowed, the Court holding that they were imperfect in construction.

District Attorney Staples opened the case for the

District Attorney Staples opened the case for the prosecution, and entered into a description of the alloged poisoning of Sarah E. Hayden by arsenic. The various symptoms of death by arsenic and morphine were described, and he claimed they correspond to those exhibited in her sickness and death. The District Attorney dwelt upon the motivo for the murder, which, he said, was to enable the defendant

The District Attorney dwelt upon the motive for the murder, which, he said, was to enable the defendant to get possession of a small sum of money. It was also stated, with regard to the method of and opportunity for the alleged crime, that evidence of the most startling nature would be produced.

The first witness was Thomas Sheldon, City Engineer, who testified to plans showing the situation of the house.

Charles A. Emory, provision dealer, testified to seeing Sarah E. Hayden the night before she died, when she appeared in her usual health.

John Choade, apothecary, testified that on the 1st of May a young man bought eight grains of morphine from him and said that he knew how to use it; he would not identify the person pointed out, but was quite sure he was the man.

Laura Wilder, cousin of the prisoner and who lived in the family, testified that Francis gave Sarah medicine on the night of her death; soon after retiring Sarah was taken very sick; prisoner came into the room already dressed, and, inquiring if she was sick, gave her something which he said was ginger, and afterward gave her peppermint; witness knew the latter by its small, but the first she could not tell.

The Court adjourned at six P. M.

The Court adjourned at six P. M.

The case is exciting great interest and the court room was crowded all day.

THE NORTH RIVER COLLISION.

A statement was received yesterday by the Local Inspectors of Steamboats from John A. Kelly, master of the steamship Manhattan, of the Old Dominion line, regarding the collision between that steamship of the steamship Manhattan, of the Old Dominion line, regarding the collision between that steamship and the ferryboat. Pavonia last Tuesday evening. Captain Kelly reports that the Manhattan had rounded the liattery and was proceeding up the river under one bell. When nearly opposite the Pavonis ferry he saw the Pavonia crossing from the Jersey shore. He blew one whistle, the signal for the terry-boat to keep to the right. There was no response, and, as the ferryboat kept ahead at full speed, he rang the signal bell to stop and back. The steamship had nearly lost her headway when she struck the Pavonia behindshe paddle box. A piece of the ferryboat's guard entered between the frames of the steamship and made a hole about a foot square in her port bow. T. M. Van Keuren, pilot of the Pavonia, in his report to the inspectors says:—

"The steamship Manhattan was close into the docks and, as i supposed, was about to land at one of the dock below our slip, as the usual call signal given by vessels coming to docks was blown from the steamer. I saw that the vessel was under considerable headway, I thereupon sounded the cautionary signal of two blasts, signifying to the steamer to go astern. In reply the steamer blew one blast of the whistle, signifying that the contrary action to that called for by my signal would be taken. My boat was so close to the slip and the steamer so near at hand that I could not do better toward avoiding the sinking of the Pavonia by the steamer than to keep on Iuli speed, which I did right into the slip. If I had not done so the steamer would undoubtedly have struck the Pavonia by the steamer and sunk her. The steamer was so close into the docks that when she struck the Pavonia be bow was just at the mouth of the slip. 'The inspectors will open an investigation at an early day.

Property Owners Generally Opposed to Another Surface Road.

The unseemly haste with which the Board of Aldermen on Tuesday gave away for a song a very val-uable franchise to the Chambers Street Crosstown ment yesterday among politicians and property owners. The latter gave expression in vigorous English to their opinion not only that property along the proposed route would be greatly depre-ciated by the building of another surface road, but that the city was being robbed of a franchise worth a great deal more than a pittance of five per cent of the gross receipts of the road. The opinion was also expressed by gentlemen well informed in regard to the legal aspects of the case that the Aldermen had exceeded their jurisdiction in granting the franchise, and that their action was diametrically opposed to the amendment to the constitution passed in 1874 in regard to the creation of surface railroads in the State. It was also pointedly intimated that a "job" had been put up by the Aldermen who voted in favor of giving away the franchise, and that they were well paid for doing so. The Aldermen who voted for making a present of the franchise to the company were Mesars. Burns, Carroll, Cavanagh, Poster, George Hall, Haughton, Hyatt, Rob-ert Hall, Keenau, Kenney, Kiernau, Shiels, Slevin, Stewart and Strack, Of this num-ber, it should be remembered, seven will Burns, Carroll, Cavanagh, George Hall, Hyatt, Kiernan and Stewart. The proposed route will commence at the foot of Boosevelt street and run thence through South street, with double tracks, to James' slip; thence through James slip, with double tracks, to New Chambers street; thence through New Cham-bers street, across Chatham street, with double bers street, with a single track, to West street; Duane street; thence through Duane street, with a single track, to connect with double tracks at Chatham and New Chambers streets. The fare will

A HEMALD reporter called on Corporation Counsel Whitney, and asked him whether the action of the Aldermen in giving away such a valuable tranchise for a pairty sum was legal. He roplied that that was rather a question of discretion than of power. It was possible that the Aldermen had made a bad bargain for the city. The reporter then asked whether the Board of Aldermen had not exceeded their juris-

diction.

"I have not had an opportunity to examine the matter in all its bearings," he replied, "but it does not follow that the road can be built simply because the Aldermen have voted to grant the franchise. Moreover, here is an extract from the constitutional amendments of 1874, under which this question comes. If the company was organized since that time the action of the Aldermen would be in conflict with it. If the company had a charter prior to that year the question is at once raised, 'Does that charter come under the amendments of 1874?' Here is the amendment:—

whether such railroad ought to be constructed or operated, and their determination, confirmed by the Court, may be taken in lieu of the consent of the property owners.

Dorman B. Eaton said he had not looked into the matter carefully; but, so far as he was concerned, he had not heard that the company had any old charter, and consequently they were amenable to the law of 1874, and the granting of the tranchise would, therefore, be unconstitutional. He did not wish to express any opinion at length, as he had not had time to make the inquiry necessary before pronouncing judgment, but he thought the constitutional amendment would be a very great obstacle in the way of building the road.

"THE WHOLE THING A JOB."

"Don't you think the franchise was sold very cheaply?"

cheaply?"
"My own impression when reading about it was that the whole thing was a job."
"Ought not such a franchise to yield the city from twenty to twenty-five per cent of the gross receipts of the road?"

the franchise because the road was a public necessity, and Aiderman Strack voted for it, as it would be, in his opinion, a good road and a cheap fare. If the resolution had been referred to the Railroad Committee, he said, there was so little time remaining that it must be carried or lost before January 1. Should the Mayor veto it, and should it be passed over his veto, it was uncertain whether it would come before the Legislature at all. He did not know of any "job" put through by the Aldermen. Alderman Morris, who voted against the scheme, said the robbing of the city of valuable franchises ought to be stopped, and that if the city franchises had been managed in the right way the revenue from them would cancel all the expenses of the city government. He also stated that those interested in the road claimed to have organized under the General Railroad act of 1850, but that no articles of association had been filed in the County Clerk's office, nor had there been any petition of property owners along the proposed route, as the constitution demanded, without which it would be impossible to build the road. Alderman Perley also objected to virtually throwing away valuable franchises, but would not say whether he thought a "job had been put up."

It was rumored yesterday that George M. Van Nort, Sheridan Shook, ex-Police Commissioner Nichols and Daniel Conever were among those interested in the franchise. Mr. Shook said last evening that if he was an incorporator he did not know it, and that he had no interest in the road. "During the last year of ex-Governor Dix's administration." he continued, "a bill for a road to go over just about such a route as the one proposed by this company was passed by the Legislature, but was vetoed by the Governor solely through the opportion of A. T. Stewart. I was one of the incorporators, and I believe this is about the same, if not the same, as the route nentioned in that bill. Now the Aldermon seem to think they are authorized to grant this franchise themselves. Its simply a ques

eral railroad act was passed. The names of the incorporators are probably on file at Albany with the Secretary of State."

George M. Van Nort wished the reporter to state that he was not interested in the road "directly or indirectly in any way, shape or manner." He did not know either who were interested in it. There was no charter given to the company before 1874, he thought, and consequently the granting of the franchise was unconstitutional if the consent of property owners along the route had not been obtained.

The opinion of property owners in Chambers street is by no means favorable to the building of the road. H. K. Thurber, the grocer, who has valuable property on chambers and Duane streets, said—"This is a very valuable franchise, and it ought to bring in something to the city instead of being given away. At least ten per cent of the gross receipts should go to the city. It is a short line, and will carry many passengers, and if they are going to block up the streets still more they should pay an amount commensurate with the value of their franchise. I have not the slightest doubt that if this franchise were put up at auction to a concern that would build the road in the best manner and would pay the largest percentage of gross receipts into the city treasury, entirely responsible peopls would jump at it and pay more than ten per cent into the city treasury, entirely responsible peopls would jump at it and pay more than ten per cent into the city treasury. I have not settled in my mind whether any convenience the public would derive from the road would compensate for the additional blocking up of the streets. It would be convenient for people going across town from the foot of Chambers street to the east side, but would interfere with the immense traffic from Broadway to the North River. If the road were properly laid and properly run it might not depreciate property, but until a road is built you can't tell whether it's going to be a nuisance. I object, however, to the millions and millions and mill

dealers, on the corner of Chambers and Greenwich streets, said camphatically that the new road would be "a perfect nuisance." "We have enough cars in this neighborhood already," he continued, "and through them our carts are blocked about four days a week. The road would certainly depreciate property along the route because the locality would not be so desirable for mercantic purposes. I shall oppose the route because the locality would not be so desirable for mercantic purposes. I shall oppose the franchise a winable one."

"It should pay the city a good sum, and twenty-five per cent of the gross receipts woulder." be out of the way. The road is short, and very few passengers from the river will go further than Broadway. But those it would accommodate would be people are too crowded in this neighborhood now, without increasing the difficulty. At six A. M. the streets are blocked by wagons, and west Broadway and Chambers street. Also relied the already crowded locality. The repaying of College place had made it a popular thoroughfare, bringing travel from Greenwich, Church and Washington streets, so that a constant succession of wagons passed the door. A blockade of one minute would stop the cars on the four roads that passed his store and the control of the cars on the four roads that passed his store and the control of the company crushed them were a property to the store now. I have seen a score of passengers waing on that corner for a chance to crow hardly find room to bring our wagons up sideways to the sidewalk to unload them, College place is so narrow. Otherwise in the control of the property. J. P. Huggins, proprietor of the Cosmopolitan Hotel in Chambers street, on the control of the property. J. P. Huggins, proprietor of the Cosmopolitan Hotel in Chambers street, on the control of Samuel Thompson's Nephews & Co., was opposed to the building of the road, as Chambers and Dunch the building of the road, as Chambers and Dunch streets are at present very much crowded.

RAPID TRANSIT.

RAPID TRANSIT.

THE CITIZENS OF THE ANNEXED DISTRICT IN

FAVOR OF A STEAM SURFACE ROAD. The question of rapid transit has long been one of vital interest to the people of the annexed district, and last evening a large and earnest assemblage of the leading citizens of the Twenty-third and Twentycuss the subject. Mr. Leonard Jerome was unani mously chosen to preside over the meeting, and he lost no time in stating the objects that called them together. For nine months they had been hard at work trying to secure rapid transit in the annexed district, and he was sorry to say that they were further off now than ever from it. Nine months ago they asked for a commission on rapid transit, and they got it. The action of this commission was of such a nature that after four months' delay they were compelled to ask for another, which proved to be little better. Unless something is done at the present time by the citizens of the district themselves rapid transit may pass out of their reach forever.

present time by the citizens of the district themselves rapid transit may pass out of their reach forever.

Mr. Morrison, the engineer appointed to make a
report on the choice of a route, said the line of the
Harlem Railroad is the best route for a rapid transit
road. There would be little difficulty in constructing the line parallel to the Harlem, and he thought
it could be constructed for \$54,000. He considered
it the easiest, quickest and cheapest to build, and
four-fifths of the people of the district live within
half a mile of it. Whatever damage there may be in
a surface steam railroad, he said, is already done on
this line by the Harlem.

Judge Tappan presented resolutions adopting the
report of the engineer and appointing as a committee Messrs. Lewis B. Brown, Horace B. Claflin, Pierre
Lorillard, David Lydig, Judge Tappen, Andrew
Findlay, William G. Ackerman, J. V. Traphagen,
William L. Andrews, Theodore Moss, Daniel R.
Kendall, Charles W. Bathgate, John Kisby, Thomas
Morris, William Davis, John B. Haskin, W. W.
Niles, Colonel Lawrence Kip, Henry J. Purroy and
Leonard Jerome. These gentlemen are to wait upon
the Kapid Transit Commissioners and urge the adoption of the Railroad avenue (Harlem Railroad) route.
The resolutions were unanimously adopted and the
committee will meet the Commissioners to-morrow.

LEASING A RAILROAD FEEDER.

Mr. Hugh Riddle, president of the Chicago, Rock Island and Pacific Railroad Company, is reported to have had several conferences during the last two days with Mr. William Dowd, president of the Hannibal and St. Joseph Railroad, with the object of making some arrangement for the lease of the Cameron branch of the Hannibal and St. Joseph, running from Cameron, Mo., to Kanasa City, Mo. The Chicago and Rock Island people are said to be very anxious to make this connection, as it is the only road open to them to that point. At the last conference, held yesterday, Mr. Elihu Root, the counsel of the Hannibal and St. Joseph, was present, and, it is understood that the terms offered were \$3,000 per mile rental per year, but that this has not yet been settled. The road from Cameron to Kansas City is fifty-three miles in length.

THE INDICTED EXCISEMEN.

TESTIMONY OF MESSES. MORRISON AND MERVLE IN THEIR OWN BEHALF.

At the opening of the Court of Oyer and Terminer, yesterday, Judge Charles Daniels on the bench, the trial of the indicted Excise Commissioners, Messrs. Morrison and Merkle, was resumed. The evidence for the prosecution having been concluded on the previous day ex-Judge A. J. Dittenhoefer moved on behalf of the accused that, on the evidence as it stood, the Court direct the jury to sequit. He urged that the functions of the Commissioners were judi-cial in their nature; that in the exercise of such functions they were to be guided by their best judgment and discretion: that having exercised such they were not culpable even if the Court or jury should

be of opinion that they did not properly exercise it in the granting of a license; that they could not be held craminally quipable unless it was alleged and proved that they wirully and corruptly acted with intent to violate the law, and of this there was no evidence presented to the jury. Judge Daniels thought that the evidence of Captain McDonnell to the effect that he had informed Commissioner Merkle as to the premises being a resort for improper characters was sufficient to authorize the submission of the case to the jury. The motion was, therefore, denied, and Mr. John D. Townsend proceeded to open the case for the defence, arguing as to the provisions of the law, and contending that they would be able to show not only that the Commissioners had acted in good faith, but that the parties licensed had in all respects compiled with the law and were entitled to be licensed.

The first witness produced for the defence was Richard J. Morrison, one of the indicted Commissioners. He testified that in the early part of February, 1878, an application was made to him personally to make an examination of the premises; both he and Dr. Maris were together when the inspector, the examination of the premises; both he and Dr. Maris were together when the inspector, the application for a license was first law parties had not the necessary second at the solicitation of the applicate, who appresented that Captain McDonnell opport that the parties had not the necessary second at the solicitation of the applicate, who appresented that Captain McDonnell opposed them because he had a spite against them. Witness said he then visited the premises himself and found there three separate beds and other furniture, which, in his judgment, complied with the law; the beds were all in one room, and the only suggestion be thought it necessary to make was that there should be separate rooms; Byrne was a stranger to him, and there was no inducence brought to bear to induce the granting of the license; the sport of the previous of the incense

of the year its business is carried on without much reference to the railway and independent of it. Wipe out the Eric Canal from the map of New York, and if the railways persist in continuing the discrimination of two and three cents a hundred that would wine though a bed of rock were by nature's convulsions to block up our channels to ea. With the economies introduced by railways and the competition between them came a considerable diversion of the commerce from the akes and the canal to the railway, and so long as the railways actively competed with each other New York city could still maintain its natural advantage over other cities. But when the railways arbitrarily combined, for the purpose of avoiding competition to place New York upon the level with Philadelphia and Baltimore, it placed every merchant who had a lease of a Broadway warehouse at a disadvantage with the merchant in Philadelphia or Baltimore whose rental represented but half or one-third inter est on the value of an equal amount of land. M Vanderbilt told us that in fixing the rates of two and three cents a hundred they were largely influenced by the supposed difference in ocean freights. These differences no longer exist, yet the tariff differences of the railways continue. The practical result of the pooling arrangement places. New York upon a seeming equality by the handicapping of New York with an arbitrary additional railroad freight charge. The railways ought not thus to have the latchets of every man's purse string put into their hands.

an arbitrary additional railroad reight charge. The railways ought not thus to have the latchets of every man's purse string put into their hands.

THE STANDARD OIL MONOPOLY.

As to the Standard Oil Company, it took its start with a few speculators, refiners and dealers in oil, who combined together to obtain special advantages from the railways, and through the instrumentality of the South Improvement Company attempted in 1872 to obtain a monopoly in the sale of the product, which amounted to 6,000,000 barrels a year in crude oils and in refined to 4,500,000 barrels a year in crude oils and in refined to 4,500,000 barrels a year in crude oils and in refined to 4,500,000 barrels a year in crude oils and in refined to 6,500,000 barrels. The New York Central, Eric and Pennaylvania agreed to lower or raise the gross rates of transportation over their railroads so as to overcome competition of others with the South Improvement Company, the rebates and drawbacks to the latter company to be varied part passu with the gross rates. Hore is a logical outcome of the special rate business. It was a recognition on the part of the railway of its power to use the railway freight charge as an instrument of destruction of the industries of vast numbers of people for the purpose of building up and concentrating in the hands of a particular junta a vast and profitable business. From the regular rates there were agreed rebates, which run as follows:—On the transportation of refined oil, benzine and other products of the manufacture of petroleum—Pittsburg to New York, 50 cents; Pittsburg to Philadelphia, 50 cents; Cleveland to Philadelphia, 50 cents; Cleveland to Philadelphia, 51 32; to Baltimore, 51 cents. Any common point to New York, \$1 32; to Philadelphia, \$1 32; to Baltimore, \$1 32; to Boston, \$1 32.

Of course the independent pipe lines died off like sheep and were all bought up by the Standard Oil Company. Under the form of secret rebates and drawbacks it absorbed a large proportion of the property of other people. Mr. Bern

property of other people. Arr. Bernneimer, with a capital of millions and willing to guarantee the railways as large shipments as the Standard, was denied the same rates and was compelled to sell out to Charles Pratt & Co., one of the silases of the Standard loomed up in the shape of the Empire Transportation Company. Then commenced a contest by the Standard to drive it out of the business of reining. It was carried on through the instrumentality of the New York railways. They prevailed, and the Empire Company went to the wall. Then, with the selling out of Neyhardt, the Standard had a monopoly of shipments to tidewater at New York. It had grown to be a great monopolist, and had, in the purchase and dismanthing of many refineries, become the master and exclusive reiner in the oil regious. There were still a few reiners who, by using a road to Buffalo and the slow avenue of the canal, brought their product to market. Another war of rates commenced against these outside shipments by canal, and the Standard once more dictated to the companies a further reduction, which brought down the rate to the Standard once more dictated to the companies a further reduction, which brought down the rate to the Standard to sixty cents a barrel. Then, in the shape of the American Transfer Company and their pipe lines, a further rebate of twenty cents, under the name of pipage, was obtained by the Standard. Enterprise after enterprise was compelled to go under before this corrupt combination between the railways, the storer of oil and manufacturer, and no ingenuty, no improvement in the process of refining oil, no advantages of proximity to market, no superior pluck or energy could prevail against the almost entire absorption of this vast business in a product which had mercased to a yield of 15,265,476 barrels in 1878, yielding about 12,000,000 barrels of refined oil, constituting the great rate determining element of the railway management. The Standard next obtained control of the terminal facilities of the Erie and New York Ce

the instrumentality of wise legislation rigidly enforced.

The usual recess was here taken.

The nower to destroy.

After the recess Mr. Sterne continued his address as follows:—The power to tax is the power to destroy, and railway charges are in the nature of taxes. The railway charge permeates and enters every commodity as part of its price. The amount of the charges is not so important a consideration as the certainty that it shall be the same for all and shall be collected without favoritism. The railways by charging different individuals different rates necessarily made all commercial transactions uncertain. Every evil sooner or later finds its remedy. The railroads suggested that the problem of rates be left to work out its own remedy. One might as well argue against employing a physician during a postilence, because the pestilence would die out when its victims were dead. It certainly is in the province of the Legislature to make proper regulations on this subject and not to wait until the evil has worked complete destruction. There is a statute which provides that "if two or more persons shall conspire to commit acts injurious to trade or commerce they shall be guilty of a misdemeanor." But the railways deliberately combine against competition with each other by the pooling arrangements. These arrangements are against public policy, and it is high time to take a new departure. The policy that lies at the basis of all American institutions, of equal justice to all men, commands action. The element is to be taken into consideration whether the vast power of \$5,000,000,000 is safely lodged in the hands of the railway managers, and that without any responsibility to the people.

We must not forget the milk question. The railway managers, and that without any responsibility to the people.

We must not forget an institutions of equal justice to all men to forget the milk question. The railways and the contents of which are worth \$3.

they carry three cans of milk, the contents of which are worth \$3.

WATERING STOCK.

One of the charges was that our railway corporations had thoroughly evaded the limitation of ten por cent by shameless waterings of stock and issues of bonds. The railway presidents had the hardinoed to answer that such additional stock, capital and bonded indebtedness did actually represent values incorporated into their roads. The grand total from 1807 to 1872 for the Eric Railway shows an increase of \$53,163,884 of indebtedness not represented by construction and which amount is entirely fictitious. Some of their legal expenses were charged to construction. The New Yorz Central Bailway had also

watered the stock from 1853 to 1870 by \$52,612,530. The bonded indebtedness of the Eric from 1872 to 1878 had increased \$19,460,902 not represented by construction. From 1870 to 1878 the funded debt.of the New York Central increased \$26,119,426. In the Gould settlement with the Eric road he was not succeed for the \$47,060,000 frandulently issued at par. but only for the \$11,000,000 which he obtained for it by slaughtering it on the stock market, where the built of it was sold below 25. The securities turned over by Mr. Gould never were his property, but belonged really to the Eric Railway Company itself. It remains with the people of the Siate of New York to say whether they are willing to bear such burdens forever: whether the \$160,000,000 of Eric capital, representing an actual value of about \$70,000,000, shall be permitted to earn interest and dividends upon \$160,000,000 out of the people of the State. Instead of the actual cost of roads railways can capitalize themselves at any rate they please, and that their "constructive construction accounts" are to limit the rates of the public, that the limitation of ten per cent will never be reached, because the printing press will be kept ever usey in printing new stock and printing new bonds for the purpose of evading the provisions of the law. One of the new provisions that I herewith submit in the law that I have drafted for your revision, acceptance or rejection, provides that the railways shall publish all their rates, both through and local, post them at each station, and that they shall not either raise or lower them without previously giving a month's notice.

Not even the railways advocates can say anything

notice.

Not even the railway advocates can say anything in favor of the proxy system. To allow a vote by proxy is an anomaly upon the voting power. It enables men who do not own one dollar's worth of stock to obtain the control of our great railway corporations. Voting on stock should not be allowed except the stock be owned and in the actual possession of the voter. The State of New York should protect the stockholding interests by the barriers of law. Minority representation should be insisted upon.

A RAILWAY COMMISSION WANTED.

A railway commission is a necessity. It could rectify the evils in the methods of railway accounting, which is now a system of how not to tell the truth. It would put an end to the secrecy of management which has characterized American roads. It has been urged that this problem should find its solution in national legislation. A large branch, however, of this subject must necessarily always remain within the scope of State Legislatures only. No Congress could rightly interfere with the New York Central's charge for carrying freight from one local point to another along any part of its line within the State of New York.

We have now arrived at the conclusion of a most important work. Our labors have not been in vain.

We have now arrived at the conclusion of a most important work. Our labors have not been in vain. The investigation has had a great educating influence throughout the length and breadth of this country and which has been re-echoed from abroad. Great applause followed the conclusion of Mr. Sterne's audress, and on quiet being restored Mr. Hepburn, chairman of the committee, stated that in pursuance of a resolution adopted Messrs. Baker, Duguid and Noyes were appointed a sub-committee to complete the investigation of the elevated roads, with all the powers of the full committee. This sub-committee will meet in the Chamber of Commerce building on Tuesday morning, December 16, at ten o'clock. Judge Fithian will assist in conducting the investigation. Mr. Horatio Seymour, Jr., State Engineer, has agreed to send Mr. L. Nathan Sweet, his assistant, to investigate the construction account of the "L" roads and report as to their cost.

The committee then adjourned subject to the call of the Chair.

HELD FOR CONSPIRACY TO POISON.

JUSTICE DUFFY COMMITS JOSEPH AND MARY VOLUMER ON THE CHARGE OF DRUGGING CHARLES E. BLAIR-THE DEFENCE CLAIMS THAT MARY CONNOLLY IS THE REAL CON-SPIRATOR.

All the principals in the now celebrated Blair poisoning case were present in Essex Market Court yes-terday morning, at eleven o'clock, when Justice Duffy took his seat upon the bench. The Court having defined the law under which the case fell Counsellor Hathaway said:—"It is necessary for you in the first place to see if a crime has been committed. It will not do to say, 'It looks suspicious.' You must be satisfied that Blair was poisoned. By whose testimony? Mary Connolly's! It must be hers, for strike it out and the case falls to the ground. Who is she? Mary Connolly has obtained. through her own means, the reputation of being the most corrupt thief and brazen-faced liar that tives in making the case known to the police at the moment when Blair had escaped from his danger, and when she had been an unresisting spectator of the crime which she alleged. He advanced the theory that Mrs. Connolly had a confederate, who was yet to be discovered. He said that if Joseph Volkmer was able to write certain words on the card which was given to the druggist it was strange that Blair's letter had to be taken to a friend of Mrs.

Blair's letter had to be taken to a friend of Mrs. Connolly's to be read. He argued that Mrs. Connolly perhaps did not intend murder, but robbery, and when the Second avenue druggist told her the solution was very strong she divided it into two bottles to weaten it.

POINTING OUT INCONSISTENCIES.

"Go back to the chamber of death where she makes Blair reel and fall into the arms of Volkmer, who carries him to bed. Blair says he undressed and went to bed without assistance. When Blair saw her up and moving about the kitchen through the night where were the murderers? Sound asleep behind him! She makes Blair and herself converse on the next morning, whereas he denies addressing her wont to bed without assistance. When Blair saw her up and moving about the kitchen through the night where were the murderers? Sound asleep behind him? She makes Blair and herself converse on the next morning, whereas he denies addressing her at all. Why was she up that night? Was it not because she thought she had put Blair to sleep and was waiting to see whether his watch and chain were 'snide' or not? And then she talks of blackmail! This man, Volkmer, who is six feet tall and forty-three inches around the chest, she makes crawl under a bed eleven inches from the ground and remain in that position for three quarters of an hour! Then why was the blackmailing plan abandoned? Was Mary Volkmer's and Blair's modesty so hard to overcome? Although Mary Connolly knew the Volkmers were going to kill Blair, yet she told him Mary Volkmer was a good, respectable woman. Why did she start for that police station? Because her guilty mind told her that when Blair arose he would say, T've been poisoned,' and she would have been traced to Eberhardt's, her confederate Taylor and she to Biedenfeld's. Then she was alarmed and seized the opportunity to put these people into State Prison and atterward extract money from Blair by claiming that she saved his life."

MRN VOLKMEN WEENS.

Mary Colkmer had been crying while her counset was speaking. When the last sentence was spoken Mary Connolly laughed heartily.

"There she sits." said Mr. Hathaway, "as dastardly a character as ever existed." He then claimed that before going to the station house she met the man Taylor. He also argued that no poison had been administered to Rlair stall, and that his sickness was due to his meal of sausages on an empty stomach and his unusual indulgence in beer atterward. Volkmer's character was, he said, above reproach. The only thing to blame him for was that he became enumored of the woman Mary Volkmer, who was a fortune teller, but there was nothing so bad in that. He concluded by saying:—"If my clients were respectively. Volkmer said that the seco

Dominico Antonio Infantino, who has been lying in prison for one month, charged with stabbing Vincezo Blanco so severely that his life was for s while despaired of, appeared in court yesterday Infantino, who is said to be the scion of a wealthy family at Monte Moro, in the province of Basilicato family at Monte Moro, in the province of Basilicato, Italy, left there to come to New York, where a relative, the Rev. Tomaso De Pina, hal assumed paternal relations toward him. On November 5 he entered a saloon at No. 505 Broome street, where he found the bartender engaged with Blance and some friends in a game of cards. They invited him to join them and he assented. Finally a quarrel arose and Blance in a fury rushed upon the stranger, thrusting a hand into his pocket as he came. Infantino, fancying it was a pistol he was feeling for, drew out his knite and struck at his assailant. The latter bowed his head to avoid the stroke, which fell upon his neck, severed an artery and left him weltering in blood. The young Italian took to his heels and the wounded man was abandoned by his friends. When the police found him he was in quite a desperate condition, and only yesterday was able to furnish a statement of the case. He was unable to leave St. Vincent's Hospital, however, and the case was adjourned.